IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

Criminal Revision Application No.24 of 2006

Kulwantsingh K. Parmar Applicant

Vs.

State of Maharashtra & ors. Respondents

Mr.I.A.Bagaria with Uma I. Bagaria for applicant.
Mr.Pradip Gharat, Special Counsel for CBI.
Mr.Y.S.Shinde, APP for State.

CORAM: B.H.MARLAPALLE,J.

January 11, 2007.

P.C.

. In this criminal revision application the order dated 14th and 17th November 2005 passed by the learned Special Judge in Misc. Application No.305 of 2005 filed in CBI Special Case No. 111 of 2004 has been challenged and it is prayed that the charges levelled against the applicant are required to be set aside.

. On the other hand it is stated by the learned Special Counsel for CBI that the trial in CBI Special Case No.111 of 2004 has already commenced and the applicant is one of the accused in the said case. By now 24 witnesses have been examined. The learned

counsel for the applicant has raised legal issues viz. whether the applicant could be charged for abetment in the offences when the FIR was already registered for the same, the ambit of Section 161 of the Police Act, 1951 and other issues. There is no reason to believe that if such issues are raised before the Special Court, they will not be addressed and decided on the basis of the evidence that is placed on record during the trial.

. Under the circumstances, there is no reason to entertain this criminal revision application at this point of time.

. The application is, therefore, rejected with liberty to the applicant to raise all the points set out in this application before the learned Special judge and they will be decided on their own merits and on the basis of the evidence that may be available during the trial.

(B.H